

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT ANDREW ROSE,

Plaintiff(s),

vs.

WASHTRONICS OF AMERICA, et al.,

Defendant(s).

Case No. 2:13-cv-00568-JAD-NJK

ORDER GRANTING MOTION
TO STAY DISCOVERY

(Docket No. 27)

Pending before the Court is a motion to stay discovery, filed by Defendants Mercor, Praznuik, Medland and Girardin, pending resolution of their motion to dismiss. *See* Docket 27; *see also* Docket No. 10 (“motion to dismiss”). Plaintiff filed a notice of non-opposition. Docket No. 30. For good cause shown and for the reasons discussed below, the Court hereby **GRANTS** the motion to stay discovery pending resolution of the motion to dismiss.

“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the pending motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the potentially-dispositive motion and is convinced that it will be granted. *Id.* at 602-603.

The Court finds these factors are present here. First, the motion to dismiss is potentially case-dispositive. Second, the motion to dismiss can be decided without additional discovery. Third,

1 the Court has taken a preliminary peek at the merits of the motion to dismiss and believes it will be
2 granted.¹

3 Accordingly, the motion to stay all discovery is hereby **GRANTED**. In the event that the
4 motion to dismiss is denied, the parties shall submit a joint status report to the undersigned within 14
5 days of the issuance of the order resolving the motion to dismiss. That status report shall indicate
6 what discovery needs to be completed and shall provide a proposed plan for completing it.

7 IT IS SO ORDERED.

8 DATED: August 15, 2013

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12 NANCY J. KOPPE
13 United States Magistrate Judge
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27 ¹ Conducting this preliminary peek puts the undersigned in an awkward position because the
28 assigned district judge who will decide the motion to dismiss may have a different view of its merits.
See Tradebay, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is
not intended to prejudice its outcome. *See id.*